

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay Jupiter
Serial No.: 10/668,188
Filing Date: September 24, 2003
Title: Picture Viewer



Art Unit: 2621
Examiner: Helen Shibru

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the rejections in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal and a one-month extension of time is submitted. The review is requested for the following remarks. Claims 1, 6-8, 10, 15-16 and 22 are pending.¹

In the Advisory Action mailed December 11, 2008, the Examiner indicated that the prior amendment would be entered and overcame the rejection under 35 U.S.C. § 112, first paragraph.

Rejection of claims under 35 U.S.C. § 103**Claims 1, 6-8, 10 and 15**

The Examiner has rejected claims 1, 6-8, 10 and 15 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,265,083 to Ishii ("Ishii") in view of U.S. Patent No. 6,374,040 to Mizoguchi ("Mizoguchi") and further in view of U.S. Patent no. 5,267,123 to Boothroyd et al. ("Boothroyd"). Claims 1 and 10 are independent.

Claim 1 relates to a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, an integrated display screen configured to display a still image from the digital image file, a controller, wherein the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, and one or more control keys mounted on the base and operably connected to the disc reader and accessible during display of

¹ In the Advisory Action mailed December 11, 2008, the Examiner indicated that claims 1, 6-10, 15-18 and 22 are rejected, however the Office Action mailed August 19, 2008 correctly indicated claims 1, 6-8, 10, 15-16 and 22 are pending.

the still image while the lid is in the closed position, wherein a control key is configured to advance a first still image displayed on the screen to a second still image.

Claim 10 relates to a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, wherein the disc reader includes a laser that operates at a wavelength longer than 750 nm, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, one or more control keys mounted on the lid and operably connected to the disc reader and accessible during display of the still image while the lid is in the closed position, and wherein the viewer is configured to display one or more images on the integrated display screen as a thumbnail.

The claimed viewer is an enhancement and improvement over Ishii and is not obvious since there is no description or suggestion of the claimed viewer, which allows for significant ease of use, manufacture, and design enhancement.

Ishii does not describe or suggest a viewer including a base including a disc reader configured to read a digital image file from a disc, an integrated display screen configured to display a still image from the digital image file, a controller, wherein the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, and one or more control keys mounted on the base and operably connected to the disc reader and accessible during display of the still image while the lid is in the closed position, wherein a control key is configured to advance a first still image displayed on the screen to a second still image. Ishii also does not describe or suggest a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, wherein the disc reader includes a laser that operates at a wavelength longer than 750 nm, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, one or more control keys mounted on the lid and operably connected to the disc reader, and wherein the viewer is configured to display

one or more images on the integrated display screen as a thumbnail. Mizoguchi does not provide what is lacking in Ishii.

For example, neither Ishii nor Mizoguchi, alone or in combination, describes or suggests:

- (1) an integrated display screen configured to display a still image from the digital image file;
- (2) a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc;
- (3) a controller, wherein the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen; and
- (4) a control key is configured to advance a first still image displayed on the screen to a second still image and accessible during display of the still image while the lid is in the closed position.

The integrated design of the claimed viewer is a uniquely new and improved variation allowing immediate viewing in a much more compact arrangement. Integrating the screen on the outside of the cover eliminates a number of components of Ishii and Mizoguchi. These improvements allow for manufacturing cost savings and efficiencies and operational ease.

The examiner relies on Boothroyd to provide the features missing from Ishii and Mizoguchi. Specifically, the examiner contends that "in light of the teaching of Boothroyd it would have been [obvious] to one of ordinary skill in the art at the time the invention was made to modify the above proposed combinations by accessing keys mounted on the base while displaying the still image in order to visualize the display even when the case is closed (see col. 2)." Page 5 of the Office Action. This is not accurate. At most, Boothroyd discloses that "a miniature second keyboard ... can be provided on the back of the display." (emphasis added) Column 2, lines 20-21. Thus, Boothroyd does not provide the missing features from claim 1 or 10. In fact, none of the cited references teach or suggest a control key on a lid.

Accordingly, claims 1 and 10 and claims that depend therefrom are patentable over Ishii, Mizoguchi, and Boothroyd. None of the cited references, alone or in combination provide the

requisite teachings to render the claimed inventions unpatentable. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 16 and 22

The Examiner has rejected claims 16 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Ishii combined with Mizoguchi in further view of Boothyard and "Official Notice". Claim depends from independent claim 16.

Referring to claim 16, Ishii, Mizoguchi, and combinations thereof do not describe or suggest a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, an input port for a digital memory card configured to read a digital image file from a digital memory card, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen, the lid being attached to the base by a hinge and swinging between an open position and a closed position, wherein the lid when in the closed position encloses the disc, and one or more control keys mounted on the lid and operably connected to the disc reader and accessible during display of the still image while the lid is in the closed position, wherein the viewer is configured to display one or more still images generated from one or more digital image files on the integrated display screen as a thumbnail and the viewer is configured to display a still image generated from a digital image file at full size on the integrated display screen.

The examiner relies on Boothroyd to provide the features missing from Ishii and Mizoguchi. Specifically, the examiner contends that "in light of the teaching of Boothroyd it would have been [obvious] to one of ordinary skill in the art at the time the invention was made to modify the above proposed combinations by accessing keys mounted on the base while displaying the still image in order to visualize the display even when the case is closed (see col. 2)." Page 5 of the Office Action. This is not accurate. At most, Boothroyd discloses that "a miniature second keyboard ... can be provided on the back of the display." (emphasis added) Column 2, lines 20-21. Thus, Boothroyd does not provide the missing features from claim 16. In fact, none of the cited references teach or suggest a control key on a lid.

The Examiner relies on "Official Notice" to provide those features that are lacking in Ishii and Mizoguchi and Boothroyd. As discussed above, Ishii does not describe or suggest a viewer including a base including a disc reader configured to read a digital image file from a disc, an integrated display screen configured to display a still image from the digital image file, a

controller, wherein the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, and one or more control keys mounted on the base and operably connected to the disc reader and accessible during display of the still image while the lid is in the closed position, wherein a control key is configured to advance a first still image displayed on the screen to a second still image. Ishii also does not describe or suggest a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, wherein the disc reader includes a laser that operates at a wavelength longer than 750 nm, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, one or more control keys mounted on the lid and operably connected to the disc reader and accessible during display of the still image while the lid is in the closed position, and wherein the viewer is configured to display one or more images on the integrated display screen as a thumbnail. Mizoguchi does not provide what is lacking in Ishii. None of the cited references, alone or in combination provide teachings that render the claims unpatentable.

Thus, for at least this reason, claims 16 and 22 are patentable over Ishii combined with Mizoguchi, Boothyard and "Official Notice". Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

In light of the foregoing remarks, Applicant respectfully contends that all conditions of patentability are met. Allowance of the claims is therefore respectfully solicited. The Director is authorized to charge any fees required by the present Request to Deposit Account 19-4293.

Respectfully submitted,

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